

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

CENTRIPETAL NETWORKS, INC.,)	
)	
Plaintiff,)	
)	
v.)	
)	Case No.: No. 2:18-cv-00094-HCM-LRL
CISCO SYSTEMS, INC.,)	
)	
Defendant.)	
)	
)	

**JOINT MOTION TO DISMISS CERTAIN STAYED CLAIMS WITHOUT PREJUDICE
AND MEMORANDUM IN SUPPORT**

Plaintiff Centripetal Networks, Inc. (“Centripetal”) and defendant Cisco Systems, Inc. (“Cisco”), by counsel, pursuant to Rule 41, jointly move this Court to dismiss certain claims without prejudice with each party to bear its own costs and fees, including attorneys’ fees. In support of this joint motion, the parties state:

1. In its Amended Complaint, Plaintiff Centripetal Networks originally asserted patent infringement claims against Cisco under United States Patent Numbers: 9,686,193 (July 20, 2017) (‘193 Patent); 9,560,176 (Jan. 31, 2017) (‘176 Patent); 9,560,077 (Jan. 31, 2017) (‘077 Patent); 9,413,722 (Aug. 9, 2016) (‘722 Patent); 9,203, 806 (Dec. 1, 2015) (‘806 Patent); 9,160,713 (Oct. 13, 2015) (‘713 Patent); 9,124,552 Sept. 1, 2015) (‘552 Patent); 9,565,213 (Feb. 7, 2017) (‘213 Patent); 9,137,205 (Sept. 15, 2015) (‘205 Patent); 9,674,148 (June 6, 2017) (‘148 Patent); 9,917,856 (March 13, 2018) (collectively, "the Asserted Patents"). Am. Compl. (ECF No. 29, ¶¶ 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31).

2. Defendant Cisco filed *Inter Partes* Review actions (“IPRs”) before the United States Patent and Trademark Office (“USPTO”) on several of the Asserted Patents; as a result, the

United States Patent Office (through the Patent Trial and Appeal Board) initiated IPRs on some or all of the claims of the '213, '552, '713, '148, '077, '722 patents and certain claims of the '205 Patent that were subject to IPR institutions (collectively, the “IPR Patents”). Thereafter, Cisco moved to stay this matter. As a result, the Court granted a motion to stay the action (ECF No. 58) (the “Stay”).

3. On September 18, 2019, the Court granted a motion to lift the Stay in part (ECF No. 68) and proceeded to try the asserted claims for the '205 Patent (not in IPR), '856 Patent, '176 Patent, '193 Patent and the '806 Patent (collectively, the “Litigated Patents”) in a six week bench trial. On October 5, 2020, the Court entered a judgment (“Judgment”) on the Litigated Patents (ECF No. 622).

4. To simplify the proceedings in this matter, the parties have agreed to dismiss the claims related to the IPR Patents without prejudice under Rule 41(a)(2) of the Federal Rules of Civil Procedure. A proposed Order is attached as **Exhibit 1**.

WHEREFORE, the parties, by counsel, request that this Court enter the proposed Order attached as **Exhibit 1** dismissing the claims related to the IPR Patents without prejudice.

Dated: November 18, 2020

Respectfully submitted,

/s/Stephen E. Noona

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CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will automatically send notification of electronic filing to:

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